



Town Council Agenda Report

SUBJECT: Ordinance

CONTACT PERSON/NUMBER

Mark A. Kutney, AICP (797-1101)

TITLE OF AGENDA ITEM:

An Ordinance of the Town of Davie, Florida, amending the code of ordinances of the Town of Davie, Article X by adding "Temporary Use Permit Procedure", Section 12-316 Entitled "Purpose", adding Section 12-317 "Permitted Temporary Uses in Connection with Development Projects", adding Section 12-318 "Other Temporary Uses Requiring a Permit", adding Section 13-319 "Procedures in Securing Temporary Use Permit"; Amending Section 12-503 to provide a Definition; providing for severability; and providing for an effective date.

REPORT IN BRIEF:

This ordinance amends Chapter 12 (Land Development Code) of the Code of the Town of Davie by creating Sections 12-316 through 12-319 (Temporary Use Permit Procedure) and amending Section 12-503 (Definitions). The ordinance creates a purpose section, permitted temporary uses in connection with development projects section; other temporary uses requiring a permit section; and procedures in securing temporary use permit section.

Due to an error identified at the September 20, 2000 Town Council Meeting, the ordinance was reagendaized for a new first reading on October 04, 2000.

PREVIOUS ACTIONS: Town Council approved the Ordinance on first reading on September 20, 2000. (There will be a new first reading on October 04, 2000 due to an error identified in the title of the ordinance.)

CONCURRENCES:

Planning and Zoning Board recommended approval and made the suggestions encapsulated below (Motion carried 5-0, September 13, 2000).

The Board recommended placing a time limit on temporary uses permits under proposed section 12-317 to be the first of either: issuance of the last certificate of occupancy or a a set time period, for example, one year. The Board also recommended revising the 60 day time limit of Section 12-318 to read "60 days in any 12 month period," and recommended excluding garage sales from the requirement for a temporary use permit.

The Planning and Zoning Staff is withdrawing the original Ordinance from the October 4, 2000 Town Council Agenda and the agendaizing the revised Ordinance for the same date.

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, LAND DEVELOPMENT CODE, ARTICLE X BY ADDING "TEMPORARY USE PERMIT PROCEDURE," SECTION 12-316 ENTITLED "PURPOSE", ADDING SECTION 12-317 "PERMITTED TEMPORARY USES IN CONNECTION WITH DEVELOPMENT PROJECTS", ADDING SECTION 12-318 "OTHER TEMPORARY USES REQUIRING A PERMIT", ADDING SECTION 12-319 "PROCEDURES IN SECURING TEMPORARY USE PERMIT"; AMENDING SECTION 12-503 TO PROVIDE A DEFINITION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Code of Ordinances lacks a procedure that regulates uses of a temporary nature; and

WHEREAS, it is in the public interest to have the Town of Davie review requests of a temporary duration in order to protect the health, safety and welfare; and

WHEREAS, the Town Council desires to ensure that a temporary use procedure regulating uses of a temporary nature is provided for within the Town Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-316 of the Town Code is amended to read as follows:

DIVISION 6. TEMPORARY USE PERMIT PROCEDURE

Sec. 12-316 Purpose

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this chapter, this division shall govern temporary uses.

Sec. 12-317 Permitted Temporary Uses in Connection with Development Projects

A developer may request a temporary use permit in any zoning district for necessary promotional or storage activities at the development site which occur during construction of the project and which terminate upon completion of the development project. The following activities in connection with such a development project require a temporary use permit.

- (1) Offices for sale of real estate or for persons engaged in the development.
- (2) Construction materials storage and processing.
- (3) Equipment Storage
- (4) Model homes or sample apartments.
- (5) Activities of religious, institutional, or governmental entity under construction, reconstruction, renovation or enlargement.

Sec. 12-318 Other Temporary Uses Requiring a Permit

Certain other temporary uses shall require permits as follows:

- 1) Commercial carnivals, fairs, promotional activities and similar events.
- (2) Special events run by nonprofit or charitable organizations
- (3) Christmas tree sales lots where such lots are operated by charitable organizations, or in commercially zoned lots for non charitable organizations.
- (4) Other uses of a similar and temporary nature where the period of use will not extend beyond sixty (60) days during any calendar year.

Sec. 12-319 Procedures in Securing Temporary Use Permit

A. Temporary use permit applications for uses described in Sections 12-317 and 12-318 above shall be submitted to the Development Services Department. The Development Services Director may grant a temporary use permit subject to suitable conditions, safe guards and stipulations and upon the advice and consent of Town Council.

(1) Prior to granting a temporary use permit the Development Services Director

shall ensure that:

- (a) Any nuisance or hazardous feature involved is suitably separated from adjacent uses:
- (b) Excessive vehicular traffic will not be generated on minor residential streets; and
- (c) A vehicular parking problem will not be created.

B. All applications for temporary use permit shall contain a site plan indicating the precise area where the temporary use is being conducted, the nature of the activities that will occur and the period of time for which the temporary use permit is requested.

C. Any temporary use authorized by Town Council shall be approved and accepted as

date such temporary use is authorized. The applicant shall file such authorization with the Development Services Department.

SECTION 2. That a definition for Temporary Uses be placed in Section 12-503, entitled "Definitions" and placed between definitions for Swimming pool, public and Tent read as follows:

Temporary Uses. A use established for a fixed time with the intent to discontinue such use upon the expiration of the time period.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to be the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2000

PASSED ON SECOND READING THIS ____ DAY OF _____, 2000

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000